

REMARKS

Claims 18-41 are pending in this application. Pursuant to 37 C.F.R. § 1.111(a)(2), Applicants respectfully request entry of this Supplemental Amendment in which amendments to claims and specification are presented for the adoption of certain examiner suggestions and to place this application in better form for allowance. Specifically, claims 18-22, 26-29, 31, 34, 40 and 41 are now amended. The title of the application has also been amended to recite "System And Method For Trading Fixed Income Financial Instruments," in order to conform to the claims as now amended. No new matter is introduced. Accordingly, Applicants respectfully request that the amendments be entered. Reconsideration and further examination are requested.

Information Disclosure Statement

An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

Interview Summary

On February 21, 2008, the Applicants filed an amendment in response to a non-final Office Action mailed from the U.S. Patent and Trademark Office (USPTO) on August 21, 2007 in the above-identified application. In that amendment, claims 18, 27, 30, 32 and 33 were amended and claims 34-41 were added. On June 3, 2008, the Applicants filed a Response in reply to a Notice of Non-Compliant Amendment mailed from the USPTO on May 29, 2008. In that Response, the Applicants corrected the status of claim 18 from "previously presented" to "currently amended."

On September 15, 2008, the Examiner contacted the undersigned attorney for the Applicants indicating that claims 33, 35, 37 and 39 were allowable over the cited art of record, but that claims 18-32, 34, 36, 38 and 40-41 were not. The Examiner also objected to the title as not conforming to the claims as amended. The Examiner suggested cancellation of claims 18-32, 34, 36, 38 and 40-41 and amendment of the title by way of Examiner Amendment. On the same day, the undersigned attorney responded by providing the Examiner with proposed amendments to the claims and specification in order to place the application, including all of the claims, in

condition for allowance. On September 16, 2008, the Examiner indicated that the proposed amendments would be acceptable.

Subsequently, on September 22, 2008, the Examiner informed the undersigned attorney that another prior art search was performed and that new references were identified preventing allowance of the claims. Applicant are not aware of the identity of the new references uncovered by the Examiner from this search. However, the Examiner suggested making certain narrowing amendments to place the application in better position for allowance. The Examiner requested a decision by Wednesday, September 25, 2008.

On Tuesday, September 24, 2008, the undersigned attorney contacted the Examiner informing her that the Applicants are not in a position to assess whether further amendment of the claims are necessary until they have had an opportunity to review the new references from the search. Applicants respectfully request entry of this Supplemental Amendment in which amendments to claims and specification are presented for the adoption of certain examiner suggestions and to place the application in better form for allowance. Reconsideration and further examination are requested.

Supplemental Amendment to Claims 18-22, 26-29, 31, 34, 40 and 41

Turning to the claims as now amended, the Examiner construes the term “system proprietor” as encompassing software per se, rendering claims 18-32, 34, 36, and 38 unpatentable. In order to preemptively overcome such a rejection, Applicants hereby amend claims 18-22, 26-29, 31, 34 to replace the term “system proprietor” with the term “server.” Support for this amendment can be found at least in the subject specification as originally filed on July 17, 2000 on page 6, lines 18-24. Applicants believe that any rejection under 35 U.S.C. § 101 is now moot.

With respect to claims 40 and 41, the Examiner is of the opinion that the specification lacks support for the term “the predefined period of time is between 15-30 seconds inclusive,” rendering claims 40 and 41 unpatentable. Applicants respectfully disagree. Claims 40 and 41 depend on claims 18 and 33 that respectively recite “wherein the offsetting trade is a trade of the selected financial instrument that is received within a *predefined period of time* after forwarding the first order to the trading system for execution.” (emphasis added). Specifically, page 5, lines

27-29 of the subject specification as originally filed states that “[a]dvantageously, the system proprietor applies a price improvement process to each trade entered into the system if an offsetting trade occurs *within 30 seconds* after execution of the first trade.” (emphasis added). See also page 13, lines 1-20. Furthermore, the specification discusses particular examples where the period of time is 15 seconds. (See page 14, line 18 to page 15, line 35). However, in order to preemptively overcome any such rejection, Applicants hereby amend claims 40 and 41 to now recite “the predefined period of time is within 30 seconds.”

CONCLUSION

In view of these amendments, it is believed that all the claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Date: September 26, 2008

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A handwritten signature in black ink, appearing to read "Todd Gerety", written over a horizontal line.

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